

AUG 14 2019

Case Number: 2:15-cv-533

ORDER

These matters are before the Court on Plaintiff Richard Parker’s (“Plaintiff”) Motion for Summary Judgment, Doc. 30, and Defendant Commissioner of Social Security’s (“Defendant”) Motion for Summary Judgment, Doc. 34.

On November 6, 2018, the undersigned District Judge authorized the Honorable United States Magistrate Judge Lawrence R. Leonard to conduct hearings and submit a report and recommendation for disposition of this matter. Doc. 32. The parties' Motions for Summary Judgment were referred to the Magistrate Judge on December 20, 2018. On June 28, 2019, the Magistrate Judge issued a report and recommendation, recommending that the Court **GRANT** Plaintiff's Motion and **DENY** Defendant's Motion. Doc. 38. Both parties were advised of their right to file written objections to the Report and Recommendation, provided they do so within fourteen (14) days of being served with the Report and Recommendation. Doc. 38 at 31-32.

No party has filed objections to the Report and Recommendation, and the time for filing objections has expired. Fed. R. Civ. P. 72(b)(2) (“Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.”). As the Fourth Circuit explained, “in the absence of a

timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); see also 28 U.S.C. § 636(b)(1).

Having reviewed the record, the Court is satisfied that there is no clear error on the face of the record. Accordingly, the Court **ACCEPTS AND ADOPTS** the Report and Recommendation of the Magistrate Judge in full. Therefore, Plaintiff’s Motion for Summary Judgment, Doc. 30, is **GRANTED** and Defendant’s Motion for Summary Judgment, Doc. 34, is **DENIED**. The decision of the Commissioner is **VACATED AND REMANDED** for proceedings consistent with the Report and Recommendation.

The Clerk is **REQUESTED** to provide a copy of this Order to all counsel of record.

It is **SO ORDERED**.

/s/
Henry Coke Morgan, Jr.
Senior United States District Judge
HENRY COKE MORGAN, JR.
SENIOR UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

August 14, 2019